

Exhibit A

Page 1

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
HONORABLE PERCY ANDERSON, JUDGE PRESIDING

TRAFFICSCHOOL.COM, INC., et al.,)
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Plaintiffs,)
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Vs.) No. CV 06-7561 PA
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EDRIVER, INC., et al.,)
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Defendants.)
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REPORTER'S DAILY TRANSCRIPT OF TRIAL PROCEEDINGS

LOS ANGELES, CALIFORNIA

THURSDAY, NOVEMBER 8, 2007

LEANDRA AMBER, CSR 12070, RPR
OFFICIAL U.S. DISTRICT COURT REPORTER
312 NORTH SPRING STREET, # 442
LOS ANGELES, CALIFORNIA 90012
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2 (Pages 2 to 5)

	Page 2	Page 4
1	APPEARANCES	
2		
3	IN BEHALF OF THE PLAINTIFFS, TRAFFIC SCHOOL.COM, INC., et al.: LEWIS BRISBOIS BISGAARD &	LOS ANGELES, CALIFORNIA; THURSDAY, NOVEMBER 8, 2007
4	SMITH LLP BY: DANIEL C. DE CARLO, ESQ. DAVID MAKOUS, ESQ. MINA I. HAMILTON, ESQ. 221 NORTH FIGUEROA STREET SUITE 1200 LOS ANGELES, CALIFORNIA 90012 (213) 680-5066 decarlo@lbbslaw.com	10:09 A.M. -00o-
5		THE CLERK: This is CV 06-7561, trafficschool.com
6		versus Edriver.
7		Counsel, please state your appearances.
8		MR. MAKOUS: Good morning, your Honor.
9		David Makous, Dan De Carlo, and Mina Hamilton for plaintiffs.
10		THE COURT: Good morning.
11		MR. DAUCHER: Good morning, your Honor.
12		Brian Daucher and Joseph Tadros for defendants.
13		THE COURT: Good morning.
14		All right. I think we need to set some deadlines for post-trial submissions. I believe the defendants had made a motion at the conclusion of the plaintiffs' case.
15		Do you wish to submit a brief on that motion?
16		MR. DAUCHER: Yes, your Honor. We could submit a short brief on that motion separate from the closing briefs perhaps.
17		THE COURT: Yes. Okay. I'm going to ask that you file that by November 15th.
18		MR. DAUCHER: Very well.
19		THE COURT: And I'm going to ask the plaintiffs to file their response by the -- let's see. Thanksgiving is
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21		
22		
23		
24		
25		
1	INDEX	
2	PAGE	
3		
4	POST-TRIAL SCHEDULING	4
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
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1		what? The 22nd?
2		All right. Well, can you get your brief in by the
3		14th?
4		MR. DAUCHER: Yes, your Honor.
5		THE COURT: Okay. Why don't you file your brief on
6		that issue by the 14th, and why doesn't -- the plaintiffs can
7		file their response on the 21st.
8		I'm going to ask the parties to file post-trial --
9		to modify or file new post-trial findings and conclusions of
10		law with citations to the record, and I'm going to ask that
11		you exchange those by the 16th. And then if you'll mark
12		those up and submit the final post-trial findings and
13		conclusions on November 26th. And then why don't the parties
14		submit their respective post-trial briefs on the 26th.
15		MR. DAUCHER: Your Honor, is the -- is the 26th the
16		Monday after Thanksgiving? I am returning to California that
17		day.
18		THE COURT: Okay.
19		MR. DAUCHER: So --
20		THE COURT: Do you want --
21		MR. DAUCHER: -- two more days?
22		THE COURT: That's fine.
23		You want to put them in on the 28th?
24		MR. DAUCHER: That would be great, your Honor.
25		MR. DE CARLO: Your Honor, could that go with the

1 And it does come in after the close of plaintiffs'
 2 case. I don't see how it rebuts Mr. Lahoti's testimony in
 3 the rebuttal case.

4 MS. HAMILTON: May I be heard, your Honor?
 5 THE COURT: Yes.

6 MS. HAMILTON: I believe the Federal Rules of
 7 Evidence say that judicial notice can be taken at any time
 8 during the trial process, and our rebuttal case has not yet
 9 closed.

10 THE COURT: I'm sorry?

11 MS. HAMILTON: I believe the Rules contemplate that
 12 judicial notice may be taken at any time during the pro --
 13 trial process, and our rebuttal case has not been closed at
 14 this time.

15 As to relevancy, we would submit that it goes to
 16 the weight. And you can do what you wish with the evidence,
 17 but it is a certified copy and subject -- the cases say --
 18 subject to judicial notice.

19 THE COURT: I'm sorry. It's a certified copy of
 20 what?

21 MS. HAMILTON: Of the records from the United
 22 States Patent and Trademark Office of the California DMV's
 23 notice of opposition to the trademark application filed by
 24 the defendants for the trademark DMV.org in 2007.

25 THE COURT: Okay.

1 summary judgment papers. So defendants have seen -- have
 2 seen this document.

3 THE COURT: Okay. Hold on just one minute.

4 Okay. I'll allow the defendants to --

5 Do you have an objection to this submission?

6 MR. DAUCHER: We -- in addition to what we have
 7 stated, there would be two. One is renders incomplete the
 8 record because there is a letter that could have been
 9 introduced which was sent by plaintiffs to various states
 10 agitating forward these oppositions.

11 The second question that this raises is that in the
 12 opposition by DMV, the DMV gives its opinion about our use of
 13 our domain name. And although we don't dispute that that's a
 14 record of the State of California, I -- I'm not sure that's
 15 the position of the State of California or that that would be
 16 admissible as opinion testimony in the case.

17 THE COURT: Well, I assume that the only -- that
 18 the only purpose for which it's being offered is to rebut his
 19 statement that -- and quite frankly I don't remember it, but
 20 that if, in fact, he said that as far as he knew the
 21 California Department of Motor Vehicles considered the matter
 22 closed, that's only -- that's the only purpose for which it's
 23 being offered.

24 I assume.

25 MS. HAMILTON: That's correct, your Honor.

1 MS. HAMILTON: They sum -- sorry.
 2 They summarize that they object to the use of
 3 DMV.org.

4 THE COURT: Okay. So this is something that's
 5 actually filed by the State of California; correct?

6 MS. HAMILTON: That's correct.

7 THE COURT: Okay. And that is to rebut what
 8 evidence that came out during the defendants' case?

9 MS. HAMILTON: It's to rebut that the defendant
 10 Raj Lahoti considered the matter closed by the DMV in 2004
 11 and he -- he believed the matter was closed by the California
 12 DMV.

13 We don't have the -- we didn't have the DMV
 14 witnesses testify, but they do not consider the matter
 15 closed, and this is evidence that goes to that fact.

16 THE COURT: When did he testify to that?

17 MS. HAMILTON: Yesterday, your Honor, or the first
 18 day of trial, I believe actually.

19 THE COURT: And the request for judicial notice --
 20 when was this? When was this opposition filed by the DMV?

21 MS. HAMILTON: The opposition was filed April 24,
 22 2007. We just received, I think three or four days ago, the
 23 certified copy of the opposition. But it -- this
 24 information -- the exact opposition was attached previously
 25 to a declaration submitted by the California DMV in the

1 MR. DAUCHER: And we would like perhaps the
 2 opportunity to review the record and see if he says that or
 3 not and maybe offer a one-page, two-page brief or perhaps
 4 the --

5 THE COURT: Do you have the citation in the record
 6 as to where that testimony is?

7 MS. HAMILTON: Not right now, your Honor. I can --
 8 I believe --

9 THE COURT: Well, if you're asking to offer this in
 10 your rebuttal case, it would seem to me that you would have
 11 been able to point to something -- you've been able to point
 12 to the record. I think you've probably been getting daily
 13 transcripts to tell me that "Here's" -- "Here's the
 14 statement. Here's where he made it, and this is why it's
 15 rebuttal."

16 MS. HAMILTON: If I could have five minutes, your
 17 Honor, I'd be able to do that.

18 THE COURT: Okay. You can have five minutes or
 19 whatever you need.

20 Let me -- okay. Anything else?

21 MR. DE CARLO: Yes, your Honor.

22 As part of our rebuttal case, the Court may recall
 23 the exchange yesterday with Mr. Moretti where --

24 THE COURT: Hold on one second.

25 Okay. Have you got anything else?